

The Hon. John C. Coughenour

UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA,  
Plaintiff,  
v.  
MARC DAVID MCCOOL,  
Defendant.

NO. CR24-102-JCC

[PROPOSED]

# **PRELIMINARY ORDER OF FORFEITURE**

THIS MATTER comes before the Court on the United States' Motion (**Dkt. No. 34**) for Preliminary Order of Forfeiture ("Motion") seeking to forfeit, to the United States, Defendant Marc David McCool's interest in the following property ("Subject Property"):

a. A Samsung Galaxy S22 phone.

The Court, having reviewed the United States' Motion, as well as the other papers and pleadings filed in this matter, hereby FINDS entry of a Preliminary Order of Forfeiture is appropriate because:

- The Subject Property is forfeitable pursuant to 18 U.S.C. § 2428 and 18 U.S.C. § 981(a)(1)(C), by way of 28 U.S.C. § 2461(c), as property that was used, or intended to be used, to commit or facilitate Defendant

1 McCool's commission of *Travel with Intent to Engage in a Sexual Act with*  
 2 *a Minor*, in violation of 18 U.S.C. §§ 2423(b) and 2246(2)(A) and (B), to  
 3 which he entered a guilty plea. Dkt. No. 30; and

- 4 • Defendant McCool agreed, in the Plea Agreement he entered on January  
 5 17, 2025, to forfeit the Subject Property pursuant to 18 U.S.C. § 2428 and  
 6 18 U.S.C. § 981(a)(1)(C), by way of 28 U.S.C. § 2461(c). Dkt. No. 30, ¶ 2.

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8 NOW, THEREFORE, THE COURT ORDERS:

9 1. Pursuant to 18 U.S.C. § 2428 and 18 U.S.C. § 981(a)(1)(C), by way of  
 10 28 U.S.C. § 2461(c) and his Plea Agreement, Defendant McCool's interest in the Subject  
 11 Property is fully and finally forfeited, in its entirety, to the United States;

12 2. Pursuant to Fed. R. Crim. P. 32.2(b)(4)(A)–(B), this Preliminary Order will  
 13 be final as to Defendant McCool at the time he is sentenced, it will be made part of the  
 14 sentence, and it will be included in the judgment;

15 3. The United States Department of Homeland Security, Customs and Border  
 16 Protection (CBP), and/or its authorized agents or representatives, shall maintain the  
 17 Subject Property in its custody and control until further order of this Court. CBP shall  
 18 destroy any prohibited images unless they have been destroyed already or will be retained  
 19 for official, investigative use, as permitted by 21 U.S.C §§ 853(i) and 881(e);

20 4. Pursuant to Fed. R. Crim. P. 32.2(b)(6) and 21 U.S.C. § 853(n), the  
 21 United States shall publish notice of this Preliminary Order and its intent to dispose of the  
 22 Subject Property as permitted by governing law. The notice shall be posted on an official  
 23 government website – currently [www.forfeiture.gov](http://www.forfeiture.gov) – for at least thirty (30) days. For  
 24 any person known to have alleged an interest in the property, the United States shall, to  
 25 the extent possible, provide direct written notice to that person. The notice shall state that  
 26 any person, other than the Defendant, who has or claims a legal interest in the property  
 27 must file a petition with the Court within sixty (60) days of the first day of publication of

1 the notice (which is thirty (30) days from the last day of publication), or within thirty (30)  
2 days of receipt of direct written notice, whichever is earlier. The notice shall advise all  
3 interested persons that the petition:

- 4 a. shall be for a hearing to adjudicate the validity of the petitioner's  
5 alleged interest in the property;
- 6 b. shall be signed by the petitioner under penalty of perjury; and,
- 7 c. shall set forth the nature and extent of the petitioner's right, title, or  
8 interest in the property, as well as any facts supporting the  
9 petitioner's claim and the specific relief sought.

10 5. If no third-party petition is filed within the allowable time period, the  
11 United States shall have clear title to the Subject Property and this Preliminary Order  
12 shall become the Final Order of Forfeiture as provided by Fed. R. Crim. P. 32.2(c)(2);

13 6. If a third-party petition is filed, upon a showing that discovery is necessary  
14 to resolve factual issues it presents, discovery may be conducted in accordance with the  
15 Federal Rules of Civil Procedure before any hearing on the petition is held. Following  
16 adjudication of any third-party petitions, the Court will enter a Final Order of Forfeiture,  
17 pursuant to Fed. R. Crim. P. 32.2(c)(2) and 21 U.S.C. § 853(n), reflecting that  
18 adjudication; and,

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1       7. The Court will retain jurisdiction for the purpose of enforcing this  
2 Preliminary Order, adjudicating any third-party petitions, entering a Final Order of  
3 Forfeiture, and amending the Preliminary Order or Final Order as necessary pursuant to  
4 Fed. R. Crim. P. 32.2(e).

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6 IT IS SO ORDERED.

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8 DATED this 18th day of February 2025.

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11  
12 THE HON. TANA LIN  
13 UNITED STATES DISTRICT JUDGE

14 Presented by:

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16  
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